

Message Text

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DRAFTED BY ARA:WDROGERS:ARA/PAN:SMBELL

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AMBASSADOR BUNKER (SUBS)

S/S: FVORTIZ

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TO USDEL SECRETARY IMMEDIATE

S E C R E T STATE 158608 TOSEC 050144

NODIS

CAP CHEROKEE STADIS

E.O. 11652: XGDS-3

TAGS: PN,PFOR

SUBJECT: BRIEFING MEMORANDUM: PANAMA NSC IMPASSE: A
POSSIBLE WAY OUT

FOR THE SECRETARY FROM ROGERS, BUNKER CONCURRING

1. SENIOR DEFENSE OFFICIALS HAVE BEEN STIMULATED TO PROPOSE A COMPROMISE TO CLEMENTS ON THE STATE/DOD CONFLICT ON NEW INSTRUCTIONS FOR BUNKER, AND CLEMENTS MAY PROPOSE THIS TO STATE IN THE NEXT SEVERAL DAYS. IF STATE CONCURRED IN THE COMPROMISE; A JOINT MEMORANDUM WOULD GO TO YOU IN YOUR NSC ROLE, PERHAPS NEXT WEEK, ENCLOSING AN AGREED REPEAT AGREED DRAFT NSDM.

2. THE CRUX OF THE COMPROMISE WOULD BE THIS: STATE WOULD ACCEPT 40-50 YEARS AS THE MINIMUM DURATION ON DEFENSE.

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DOD WOULD IMPROVE ITS LAND OFFER MEASURABLY, AND ACCEPT

A FALLBACK TO 20 YEARS MINIMUM FOR DURATION OF OUR OPERATION OF THE CANAL.

3. BUNKER IS WILLING TO TRY THIS OUT ON PANAMA, AND COME BACK TO YOU AND THE PRESIDENT IF IT REALLY CAN'T FLY. HE THINKS IT HAS A COLORABLE CHANCE.

4. IN ADDITION TO THIS COMPROMISE ON THE TWO CRITICAL SUBSTANTIVE ISSUES, CLEMENTS MAY OR MAY NOT ALSO PROPOSE A NEGOTIATION STRETCH-OUT. IN ANY CASE, AGAINST THE HAZARD THAT THE EXECUTIVE BRANCH MAY CONCLUDE THAT IT SHOULD NOT PRODUCE A TREATY FOR SENATE CONSIDERATION THIS YEAR, WE HAVE TRIED TO DESIGN A SCENARIO FOR A STRETCH-OUT WHICH WE CAN RESPONSIBLY REPRESENT WILL NOT INVOLVE INTOLERABLE FOREIGN RELATIONS COSTS. WE HAVE DONE SO.

5. THIS SCENARIO CONTEMPLATES A CONFIDENTIAL CONCEPTUAL AGREEMENT, TO BE NEGOTIATED OVER THE COURSE OF 1975, AND FINALIZED IN THE EARLY DAYS OF JANUARY OF 1976, JUST PRIOR TO THE ANNIVERSARY OF THE 1964 RIOTS. THIS CONFIDENTIAL CONCEPTUAL AGREEMENT WOULD INCLUDE THE ALREADY-NEGOTIATED THRESHOLD AGREEMENTS AND, AS WELL, AN ADDITIONAL THRESHOLD AGREEMENT ON THE CRUCIAL POLITICAL ISSUES, INCLUDING LANDS/WATERS AND DURATION, ALONG THE SUBSTANTIVE LINES WE THINK CLEMENTS WILL SHORTLY PROPOSE. DURING THE FIRST THREE QUARTERS OF 1976, THE NEGOTIATORS WOULD THEN TRANSLATE THE CONCEPTUAL AGREEMENT INTO FINAL TREATY LANGUAGE. THE COMPLETED TREATY WOULD BE READY FOR CONFIDENTIAL INITIALING BY THE NEGOTIATORS, AND REFERENDUM TO GOVERNMENTS, BY APPROXIMATELY SEPTEMBER OF 1976.

6. AT THAT POINT, THE TWO GOVERNMENTS WOULD QUOTE CONSULT UNQUOTE ON WHEN TO SIGN AND MAKE PUBLIC THE DOCUMENT -- BEFORE OR AFTER OUR ELECTIONS. OUR JUDGMENT IS THAT PANAMA WOULD AGREE TO HOLD OFF SIGNING THE TREATY UNTIL DECEMBER OF 1976 IF THE PRESIDENT WISHED. RATIFICATION COULD THEN BE INITIATED IN JANUARY OF 1977.

7. IN THE PERIOD AFTER JANUARY OF 1976, THE NEGOTIATORS
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WOULD HAVE TIME TO CONSULT WITH THE CONGRESS ABOUT THE TERMS OF THE CONFIDENTIAL CONCEPTUAL AGREEMENT. ASPECTS OF IT WOULD, OF COURSE, LEAK. BUT THERE IS REALLY NO COURSE WE CAN THINK OF, EXCEPT HALTING NEGOTIATIONS COMPLETELY, WHICH WOULD PRECLUDE SOME LEAKAGE.

8. OUR NEGOTIATORS SAY THIS QUOTE STRETCH-OUT UNQUOTE CAN BE MADE TO APPEAR NORMAL TO PANAMA.

9. THIS SEEMS TO ME A COMMENDABLE WAY OUT OF THE BUREAUCRATIC IMPASSE FOR EVERYONE. IT IS ESPECIALLY SO BECAUSE IT SHOULD GET DEFENSE ON BOARD IN FIGHTING THE SNYDER AMENDMENT IN THE SENATE NEXT WEEK -- FOR WHICH

FIGHT WE'LL NEED A HIGH-POWERED STRATEGY. WE ARE CLEARLY IN TROUBLE, ON CONSTITUTIONAL AND ON CANAL GROUNDS.

10. IF THIS PROPOSED COMPROMISE COMMENDS ITSELF, WE THINK THE PRESIDENT SHOULD MOVE QUICKLY TO RATIFY THE NEW NEGOTIATING INSTRUCTIONS DOD ACCEPTS AND SEND BUNKER BACK. PANAMA IS REACHING THE OUTER LIMITS OF ITS PATIENCE. IT CANNOT WAIT MUCH LONGER FOR NEGOTIATIONS TO RESUME WITHOUT CONCLUDING THAT THEY WON'T. STUDENTS AND HARD-LINE NATIONALISTS ARE BEGINNING TO ATTACK TORRIJOS PUBLICLY, AND HE WILL SOON HAVE TO COUNTER THIS UNLESS WE MOVE.

11. ONE CAUTION: ANY LEAKS RESPECTING STATE'S KNOWLEDGE OF THIS COMPROMISE EXERCISE UNDERWAY IN DEFENSE COULD BLOW IT. I HAVE TAKEN EXTREME PRECAUTIONS AGAINST THIS IN THE BUILDING. SISCO

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